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# Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

## Report of the Third Committee*

*Rapporteur*: Ms. Kadra Ahmed **Hassan** (Djibouti)

## I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Human rights situations and reports of special rapporteurs and representatives" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the sub-item jointly with sub-item 69 (b), "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms", at its 23rd to 35th meetings, from 19 to 21 and from 24 to 27 October 2011, and considered proposals and took action on sub-item 69 (c) at its 41st, 47th, 48th and 49th meetings, on 3, 21 and 22 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/66/SR.23-35, 41 and 47-49).

3. For the documents before the Committee under this sub-item, see A/66/462.

4. At the 23rd meeting, on 19 October, the United Nations High Commissioner for Human Rights addressed the Committee and engaged in a dialogue with the representatives of Kenya (on behalf of the Group of African States), Suriname, Mexico, Norway, Morocco, Algeria, the Russian Federation, the European Union, China, the United Kingdom of Great Britain and Northern Ireland, the United Arab Emirates (on behalf of the Organization of Islamic Cooperation), Australia, Chile,

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New Zealand, Liechtenstein, Canada, Ireland, South Africa, the United States of America, Gabon, the Democratic Republic of the Congo, Benin, Cameroon, Cuba, Egypt, the Syrian Arab Republic and the Islamic Republic of Iran (see A/C.3/66/SR.23).

5. At the same meeting, the Special Adviser to the Secretary-General on Myanmar introduced the report of the Secretary-General on the situation of human rights in Myanmar (A/66/267). A statement was made by the representative of Myanmar (see A/C.3/66/SR.23).

6. At the 24th meeting, on 19 October, the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran made a presentation and engaged in a dialogue with the representatives of Germany, Maldives, the United States, the European Union, the United Kingdom, Australia, Canada, Norway, the Czech Republic, Switzerland, New Zealand and the Islamic Republic of Iran (see A/C.3/66/SR.24).

7. Also at the 24th meeting, the Special Rapporteur on the situation of human rights in Myanmar made a presentation and engaged in a dialogue with the representatives of Myanmar, the United States, the European Union, Japan, Canada, Liechtenstein, Malaysia, the Republic of Korea, Switzerland, Maldives, the United Kingdom, Norway, China, Thailand, Indonesia, Australia and the Czech Republic (see A/C.3/66/SR.24).

8. At the same meeting, the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea made a presentation and engaged in a dialogue with the representatives of the Democratic People's Republic of Korea, Australia, Japan, the United States, Canada, the European Union, the Republic of Korea, the United Kingdom, Switzerland, Maldives and the Czech Republic (see A/C.3/66/SR.24)

## II. Consideration of proposals

### A. Draft resolution A/C.3/66/L.54

9. At the 41st meeting, on 3 November, the representative of Poland, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Democratic People's Republic of Korea" (A/C.3/66/L.54). Subsequently, the Marshall Islands, Palau, Tuvalu and Vanuatu joined in sponsoring the draft resolution.

10. At the 47th meeting, on 21 November, the representative of the Democratic People's Republic of Korea made a statement and requested a recorded vote on the draft resolution.

11. At the same meeting, the representative of Japan made a statement (see A/C.3/66/SR.47).

12. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/66/L.54 by a recorded vote of 112 to 16, with 55 abstentions (see para. 33, draft resolution I). The voting was as follows:[1]

*In favour*:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Bahamas, Bahrain, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burundi, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kiribati, Kyrgyzstan, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Serbia, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Tunisia, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

*Against*:

Algeria, Belarus, China, Cuba, Democratic People's Republic of Korea, Egypt, Iran (Islamic Republic of), Myanmar, Oman, Russian Federation, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining*:

Angola, Antigua and Barbuda, Armenia, Azerbaijan, Bangladesh, Barbados, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Cambodia, Cameroon, Comoros, Congo, Côte d'Ivoire, Dominican Republic, Ecuador, Ethiopia, Fiji, Gambia, Grenada, Guatemala, Guyana, India, Indonesia, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Malaysia, Mali, Mauritania, Mozambique, Namibia, Nepal, Nicaragua, Niger, Pakistan, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Singapore, South Africa, South Sudan, Sri Lanka, Suriname, Swaziland, Tajikistan, Thailand, Trinidad and Tobago, Turkmenistan, Uganda, Yemen, Zambia.

13. Before the vote, statements were made by the representatives of China, the Syrian Arab Republic, Venezuela (Bolivarian Republic of), Zimbabwe, Cuba and Nepal; after the vote, statements were made by the representatives of Malaysia, Indonesia, Brazil, Belarus, the Lao People's Democratic Republic, Viet Nam,

[1] Subsequently, the representative of Fiji indicated that his delegation had intended to vote in favour.

Myanmar, Costa Rica and the Democratic People's Republic of Korea (see A/C.3/66/SR.47).

## B. Draft resolutions A/C.3/66/L.55 and Rev.1

14. At the 41st meeting, on 3 November, the representative of Poland, on behalf of Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/66/L.55), which read:

"*The General Assembly*,

"*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights, and recalling the International Covenants on Human Rights and other relevant human rights instruments,

"*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

"*Reaffirming also* its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 65/241 of 24 December 2010, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which are resolutions 13/25 of 26 March 2010 and 16/24 of 25 March 2011,

"*Welcoming* the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008, and the Security Council statements to the press of 22 May and 13 August 2009,

"*Welcoming also* the report of the Secretary-General on the situation of human rights in Myanmar and the observations contained therein, and recalling his visit to the country on 3 and 4 July 2009 and the visits of his Special Adviser on Myanmar from 31 January to 3 February, on 26 and 27 June 2009, from 26 to 28 November 2010 and from 11 to 13 May 2011, while urging the Government of Myanmar to make substantive progress in its cooperation with the good offices mission, including by facilitating further visits,

"*Welcoming further* the visit of the Special Rapporteur to Myanmar from 21 to 25 August 2011 and the access granted to political and other actors, including prisoners and welcoming the reports of the Special Rapporteur on the situation of human rights in Myanmar, and urging the implementation of the recommendations contained therein and in previous reports,

"*Deeply concerned* that many of the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations

bodies concerning the situation of human rights in Myanmar, have not yet been acted upon,

"*Reaffirming* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy,

"*Noting* the publicly stated commitment of the President of Myanmar to implement reform, promote national reconciliation, safeguard human rights and fundamental freedoms and promote good governance, democracy and the rule of law, and noting also the President's stated commitment to addressing social, economic and environmental issues,

"*Welcoming* the recent talks between the Government of Myanmar and Daw Aung San Suu Kyi, while urging the Government to take further steps to advance an effective and genuine dialogue with the broad spectrum of political parties, including the National League for Democracy, pro-democracy actors, ethnic minorities and other relevant stakeholders in a genuine process of dialogue, national reconciliation and transition to democracy,

"*Calling upon* the Government of Myanmar to cooperate with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms, and political processes, noting the Government's stated intention to do so,

"1. *Expresses grave concern* about the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar, while recognizing the commitment made by the Government of Myanmar to implement reforms to address those violations;

"2. *Welcomes* the recent talks between the Government of Myanmar and Daw Aung San Suu Kyi and opposition parties, and encourages the Government to develop the current talks into a substantive and regular dialogue while comprehensively engaging with the democratic opposition, including the National League for Democracy, and political, ethnic and civil society groups and actors in order to begin an all-inclusive and democratic reform process leading to national reconciliation and lasting peace in Myanmar;

"3. *Calls upon* the Government of Myanmar to continue to ensure that no restrictions are placed on the exercise by Daw Aung San Suu Kyi of all her human rights and fundamental freedoms, in particular with regard to the freedom of movement and the right to participate fully in the political process, including through engagement with relevant stakeholders, and to take adequate measures to protect her physical safety;

"4. *Welcomes* the release on 12 October 2011 of more than 200 prisoners of conscience, and strongly urges the Government of Myanmar to release without further delay and without conditions all prisoners of conscience, including the Chairman of the Shan Nationalities League for Democracy, U Hkun Htun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, one of the founders of the 88 Generation Students Group, Ko Ko Gyi, human rights defender U Myint Aye, and the leader of the All Burma Monks' Alliance, U Gambira, and to allow their full participation in the political process, emphasizing that their unrestricted release is fundamental to

national reconciliation, and strongly calls upon the Government to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance and to desist from further politically motivated arrests;

"5. *Notes* the establishment of new national, regional and state legislatures in Myanmar and some steps taken to engage legislatures on issues relevant to the promotion and protection of human rights, and encourages further efforts in that regard;

"6. *Considers* that democratic, transparent and inclusive elections must be the cornerstone of any democratic reform process, and deeply regrets that the 2010 general elections represent a missed opportunity in that regard, noting in particular the restrictions imposed by the electoral laws, limited access to the media, reported incidents of official intimidation, the cancellation of elections in certain ethnic areas and the lack of independence of the electoral commission, and expresses concern at the failure of the electoral commission to follow up on complaints about the electoral process, including about voting procedures;

"7. *Calls upon* the Government of Myanmar to lift all restrictions imposed on the representatives of political parties as well as on other political and civil society actors in the country, including by amending the relevant laws, and to ensure that the upcoming by-elections are held in a participatory, inclusive and transparent manner, while recognizing the announcement of changes in the electoral law that would allow for wider participation, and urging that they be put into effect;

"8. *Notes* the stated intention of, and first steps by, the Government of Myanmar to carry out media reform and open up space for the press, and strongly calls upon the Government of Myanmar to lift restrictions on the freedom of assembly, association and movement and the freedom of expression, including for free and independent media, to improve the availability and accessibility of Internet and mobile telephone services, and to end the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

"9. *Acknowledges with appreciation* the formation of the Myanmar National Human Rights Commission, encourages the Government of Myanmar to ensure that it is established and mandated in such a way as to be an independent, credible and effective institution, in accordance with the Paris Principles relating to the Status of National Institutions, encourages the Commission to receive complaints and to investigate violations, and recommends that the Government seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the development of that new institution;

"10. *Expresses grave concern* at the continuing practice of arbitrary detention, enforced disappearance, rape and other forms of sexual violence, torture and cruel, inhuman or degrading treatment or punishment, and urges the Government of Myanmar to undertake without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations and to bring to justice those responsible in order to end impunity for violations of human rights, and, regretting that previous calls

to that effect have not been heeded, calls upon the Government to do so as a matter of priority and, if necessary, drawing on the assistance of the United Nations;

"11. *Takes note* of the recent steps taken by the Government of Myanmar to review some national legislation, and calls upon the Government to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, fully engaging with democratic opposition, civil society groups, ethnic groups and other stakeholders, while recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

"12. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and the independence of lawyers, to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

"13. *Expresses concern* about the conditions in prisons and other detention facilities and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits, or food and medicine, and calls upon the Government of Myanmar to ensure that proper investigations are conducted of all deaths in prison;

"14. *Expresses deep concern* about the resumption of armed conflict and the breakdown of long-standing ceasefires in areas including Kachin and Shan States, as a result of continued pressures imposed by the national authorities on certain ethnic groups and the exclusion of some key ethnic political parties from the political process and from decisions affecting their lives, while noting some steps taken to establish ceasefires in other areas, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to use political means to re-establish ceasefire agreements, and also calls upon the Government to expand the offer of peace talks with armed groups on a nationwide basis;

"15. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

"16. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

"17. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

"18. *Urges* the Government of Myanmar to intensify its cooperation with the Office of the United Nations High Commissioner for Human Rights and other partners to conduct adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

"19. *Calls upon* the Government of Myanmar to consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the other human rights treaty bodies;

"20. *Also calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

"21. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers by the armed forces and other armed groups, in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict, to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, to swiftly conclude and implement an effective joint action plan for the national armed forces, to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children and armed conflict, and to allow unrestricted access to all areas where children are recruited for those purposes;

"22. *Notes with appreciation* the prolongation of the supplementary understanding between the International Labour Organization and the Government of Myanmar on forced labour, and the reported progress on changes in law and practice to eliminate the use of forced labour, particularly in relation to awareness-raising, but expresses grave concern at the continuing practice of forced labour, including the reported use of civilian porters, including convict porters, and calls upon the Government to intensify its cooperation with the International Labour Organization on the basis of the understanding, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing with urgency the recommendations of the Commission of Inquiry of the International Labour Organization;

"23. *Welcomes* the approval of the Labour Organizations Bill, and the prior constructive consultation on it with the International Labour Organization, and encourages its full implementation;

"24. *Also welcomes* the positive steps taken by the Government of Myanmar to facilitate and improve humanitarian response and calls upon the Government of Myanmar to take further measures to allow humanitarian assistance to reach all persons in need throughout the country by ensuring timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, taking into account the need to process swiftly requests for visa and in-country travel permission;

"25. *Further welcomes* the invitation extended to the International Committee of the Red Cross to provide some technical assistance in prisons, and encourages the Government of Myanmar to allow it to carry out other activities in accordance with its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

"26. *Encourages* the Government of Myanmar to continue to cooperate with international health entities on HIV/AIDS, malaria and tuberculosis;

"27. *Reaffirms its full support* for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the Secretary-General on the situation of human rights in Myanmar, and urges the Government of Myanmar to cooperate fully with the good offices mission, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant stakeholders, including the highest level of leadership, political parties, human rights defenders, representatives of ethnic groups, student leaders and other opposition groups, and to respond substantively and without delay to the proposals of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

"28. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General;

"29. *Also welcomes* the continued contribution of the Group of Friends of the Secretary-General on Myanmar in support of the work of the good offices mission;

"30. *Further welcomes* the visit of the Special Rapporteur to Myanmar from 21 to 25 August and the access granted to him, and urges the Government of Myanmar to implement the recommendations addressed to the Government in his report and to cooperate fully with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits;

"31. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

"32. *Notes* the participation by the Government of Myanmar in the universal periodic review in January 2011 as the State under review, and strongly encourages the Government to implement the recommendations accepted, including the recommendations to consider acceding to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and other core human rights treaties, while also urging the Government to reconsider the many important recommendations which were rejected and to seek technical cooperation from the Office of the High Commissioner in this regard;

"33. *Requests* the Secretary-General:

"(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human

rights groups, and to offer technical assistance to the Government in this regard;

"(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

"(c) To report to the General Assembly at its sixty-seventh session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

"34. *Decides* to continue the consideration of the question at its sixty-seventh session, on the basis of the reports of the Secretary-General and the Special Rapporteur."

15. At its 47th meeting, on 21 November, the Committee had before it a revised draft resolution entitled "Situation of human rights in Myanmar" (A/C.3/66/L.55/Rev.1), submitted by Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

16. At the same meeting, the attention of the Committee was drawn to the programme budget implications of draft resolution A/C.3/66/L.55, contained in document A/C.3/66/L.70, which also applied to document A/C.3/66/L.55/Rev.1.

17. Also at the same meeting, the representative of Poland made a statement on behalf of the European Union. The representative of Myanmar also made a statement, and requested a recorded vote on the draft resolution.

18. Also at its 47th meeting, on 21 November, the Committee adopted draft resolution A/C.3/66/L.55/Rev.1 by a recorded vote of 98 to 25, with 63 abstentions (see para. 33, draft resolution II). The voting was as follows:

*In favour*:

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Burundi, Canada, Cape Verde, Central African Republic, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Kazakhstan, Kiribati, Latvia, Lebanon, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Netherlands, New Zealand, Norway, Palau, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Serbia, Seychelles, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Togo, Tonga, Tunisia, Turkey, Tuvalu, Ukraine,

United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu.

*Against*:

Algeria, Azerbaijan, Bangladesh, Belarus, Brunei Darussalam, Cambodia, China, Cuba, Democratic People's Republic of Korea, Egypt, India, Iran (Islamic Republic of), Lao People's Democratic Republic, Myanmar, Nicaragua, Oman, Russian Federation, Senegal, Sri Lanka, Sudan, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining*:

Angola, Antigua and Barbuda, Bahrain, Barbados, Benin, Bhutan, Bolivia (Plurinational State of), Brazil, Burkina Faso, Cameroon, Colombia, Comoros, Congo, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Ethiopia, Fiji, Gambia, Grenada, Guatemala, Guyana, Indonesia, Jordan, Kenya, Kuwait, Kyrgyzstan, Lesotho, Madagascar, Malawi, Malaysia, Mali, Mauritania, Morocco, Mozambique, Namibia, Nauru, Nepal, Niger, Nigeria, Pakistan, Papua New Guinea, Philippines, Qatar, Rwanda, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Singapore, South Africa, South Sudan, Suriname, Swaziland, Tajikistan, Thailand, Timor-Leste, Trinidad and Tobago, Turkmenistan, Uganda, United Arab Emirates, Yemen, Zambia.

19. Before the vote, statements were made by the representatives of Turkey, the Democratic People's Republic of Korea, India, Venezuela (Bolivarian Republic of), Thailand and Cuba; after the vote, statements were made by the representatives of China, Indonesia, Malaysia, Viet Nam, Botswana, Brazil, Japan, Singapore, Myanmar and Australia (see A/C.3/66/SR.47).

## C. Draft resolution A/C.3/66/L.56

20. At the 41st meeting, on 3 November, the representative of Canada, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, the Netherlands, New Zealand, Norway, Palau, Poland, Portugal, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Situation of human rights in the Islamic Republic of Iran" (A/C.3/66/L.56).

21. At the 47th meeting, on 21 November, the representative of Canada made a statement and orally revised the text.

22. At the same meeting, the representative of the Islamic Republic of Iran made a statement and requested a recorded vote on the draft resolution. Statements were also made by the representatives of Kazakhstan (on behalf of the Organization of Islamic Cooperation) and Nicaragua (see A/C.3/66/SR.47).

23. Also at its 47th meeting, the Committee adopted draft resolution A/C.3/66/L.56, as orally revised, by a recorded vote of 86 to 32, with 59 abstentions (see para. 33, draft resolution III). The voting was as follows:

*In favour*:

Albania, Andorra, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Haiti, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Kiribati, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Malawi, Maldives, Malta, Marshall Islands, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Nauru, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Senegal, Seychelles, Slovakia, Slovenia, Solomon Islands, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Vanuatu.

*Against*:

Afghanistan, Algeria, Armenia, Bangladesh, Belarus, Bolivia (Plurinational State of), Brunei Darussalam, China, Comoros, Cuba, Democratic People's Republic of Korea, Ecuador, India, Iran (Islamic Republic of), Kazakhstan, Lebanon, Myanmar, Nicaragua, Niger, Oman, Pakistan, Qatar, Russian Federation, Sri Lanka, Sudan, Syrian Arab Republic, Tajikistan, Turkmenistan, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining*:

Angola, Antigua and Barbuda, Bahrain, Barbados, Benin, Bhutan, Brazil, Burkina Faso, Cambodia, Cameroon, Congo, Côte d'Ivoire, Djibouti, Egypt, Ethiopia, Fiji, Gabon, Ghana, Grenada, Guatemala, Guinea-Bissau, Guyana, Indonesia, Jamaica, Jordan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Malaysia, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nigeria, Paraguay, Philippines, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Saudi Arabia, Serbia, Singapore, South Africa, South Sudan, Suriname, Swaziland, Thailand, Togo, Trinidad and Tobago, Tuvalu, Uganda, United Arab Emirates, Uruguay, Zambia.

24. Before the vote, statements were made by the representatives of the Syrian Arab Republic, Venezuela (Bolivarian Republic of) and Cuba; after the vote, statements were made by the representatives of Brazil and Iran (Islamic Republic of) (see A/C.3/66/SR.47), and by the representatives of Uruguay, Japan, Malaysia, Indonesia and Ecuador (see A/C.3/66/SR.48).

## D. Draft resolution A/C.3/66/L.57/Rev.1

25. At the 48th meeting, on 21 November, the representative of Germany, on behalf of Albania, Andorra, Australia, Austria, Bahrain, Belgium, Botswana, Bulgaria, Canada, Cape Verde, Colombia, Côte d'Ivoire, Croatia, Cyprus, the Czech

Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mauritius, Monaco, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Palau, Panama, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Vanuatu, introduced a draft resolution entitled "Situation of human rights in the Syrian Arab Republic" (A/C.3/66/L.57/Rev.1). Subsequently, Kuwait joined in sponsoring the draft resolution.

26. At the 49th meeting, on 22 November, statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland and Cuba (on behalf of the Non-Aligned Movement) (see A/C.3/66/SR.49).

27. At the same meeting, the representative of the Syrian Arab Republic made a statement and moved for the adjournment of debate on the draft resolution under rule 116 of the rules of procedure.

28. Statements in favour of the motion were made by the representatives of Nicaragua and Venezuela (Bolivarian Republic of); statements against the motion were made by the representatives of Saudi Arabia and France.

29. The motion was rejected by a recorded vote of 118 to 20, with 29 abstentions. The voting was as follows:

*In favour*:

Belarus, Bolivia (Plurinational State of), China, Cuba, Democratic People's Republic of Korea, Ecuador, Iran (Islamic Republic of), Lao People's Democratic Republic, Myanmar, Namibia, Nicaragua, Russian Federation, Singapore, Sri Lanka, Swaziland, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Against*:

Afghanistan, Albania, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Belize, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Turkey, Tuvalu, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

*Abstaining*:

Algeria, Angola, Bangladesh, Brazil, Brunei Darussalam, Dominican Republic, Ghana, Guyana, India, Kenya, Kyrgyzstan, Lesotho, Malaysia, Mali, Mozambique, Nepal, Pakistan, Philippines, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sudan, Tajikistan, Thailand, Tunisia, Turkmenistan, Uganda, United Republic of Tanzania, Yemen, Zambia.

30. Also at the 49th meeting, the representative of the Syrian Arab Republic made a statement and requested a recorded vote on draft resolution A/C.3/66/L.57/Rev.1.

31. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.57/Rev.1 by a recorded vote of 122 to 13, with 41 abstentions (see para. 33, draft resolution IV). The voting was as follows:

*In favour*:

Afghanistan, Albania, Andorra, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Barbados, Belgium, Belize, Benin, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Cape Verde, Chad, Chile, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Ethiopia, Finland, France, Gabon, Georgia, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Latvia, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Nauru, Netherlands, New Zealand, Nigeria, Norway, Oman, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Spain, Sudan, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Vanuatu.

*Against*:

Belarus, Bolivia (Plurinational State of), Cuba, Democratic People's Republic of Korea, Ecuador, Iran (Islamic Republic of), Myanmar, Nicaragua, Syrian Arab Republic, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Zimbabwe.

*Abstaining*:

Algeria, Angola, Antigua and Barbuda, Armenia, Bangladesh, Bhutan, Brunei Darussalam, Cameroon, China, Comoros, Congo, Dominican Republic, Fiji, Ghana, Grenada, India, Kenya, Lao People's Democratic Republic, Lebanon, Lesotho, Malaysia, Mali, Mozambique, Namibia, Nepal, Pakistan, Philippines, Russian Federation, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Singapore, South Africa, Sri Lanka, Swaziland, Tajikistan, Thailand, Turkmenistan, Uganda, United Republic of Tanzania, Yemen, Zambia.

32. Before the vote, statements were made by the representatives of the Islamic Republic of Iran, Venezuela (Bolivarian Republic of), Cuba and the Democratic People's Republic of Korea; after the vote, statements were made by the representatives of Ukraine, China, Viet Nam, Malaysia, Israel, Egypt, the Russian Federation, Singapore, Thailand, Costa Rica and Ecuador (see A/C.3/66/SR.49).

# III. Recommendations of the Third Committee

33. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

## Draft resolution I
## Situation of human rights in the Democratic People's Republic of Korea

*The General Assembly*,

*Reaffirming* that States Members of the United Nations have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations that they have undertaken under the various international instruments,

*Mindful* that the Democratic People's Republic of Korea is a party to the International Covenant on Civil and Political Rights,[1] the International Covenant on Economic, Social and Cultural Rights,[1] the Convention on the Rights of the Child[2] and the Convention on the Elimination of All Forms of Discrimination against Women,[3]

*Acknowledging* the participation of the Democratic People's Republic of Korea in the universal periodic review process, expressing serious concern at the refusal of the Government of the Democratic People's Republic of Korea to articulate its position as to which recommendations included in the outcome report of its universal periodic review[4] in March 2010 enjoy its support, and regretting the continuing lack of action by the Democratic People's Republic of Korea to implement the recommendations contained in the report,

*Recalling* the concluding observations of the treaty-monitoring bodies under the four treaties to which the Democratic People's Republic of Korea is a party,

*Noting with appreciation* the collaboration established between the Government of the Democratic People's Republic of Korea and the United Nations Children's Fund and the World Health Organization in order to improve the health situation in the country, and the collaboration established with the United Nations Children's Fund in order to improve the quality of education for children,

*Noting* the decision on the resumption, on a modest scale, of the activities of the United Nations Development Programme in the Democratic People's Republic of Korea, and encouraging the engagement of the Government with the international community to ensure that the programmes benefit the persons in need of assistance,

*Noting* the cooperation established between the Government of the Democratic People's Republic of Korea and the World Food Programme, the United Nations Children's Fund and the Food and Agriculture Organization of the United Nations for the purpose of conducting a rapid food security assessment in the country, as well as the letter of understanding signed with the World Food Programme, and

[1] See resolution 2200 A (XXI), annex.
[2] United Nations, *Treaty Series*, vol. 1577, No. 27531.
[3] Ibid., vol. 1249, No. 20378.
[4] A/HRC/13/13.

emphasizing the importance of providing further access to all United Nations entities,

*Recalling* its resolutions 60/173 of 16 December 2005, 61/174 of 19 December 2006, 62/167 of 18 December 2007, 63/190 of 18 December 2008, 64/175 of 18 December 2009 and 65/225 of 21 December 2010, Commission on Human Rights resolutions 2003/10 of 16 April 2003,[5] 2004/13 of 15 April 2004[6] and 2005/11 of 14 April 2005,[7] Human Rights Council decision 1/102 of 30 June 2006[8] and Council resolutions 7/15 of 27 March 2008,[9] 10/16 of 26 March 2009,[10] 13/14 of 25 March 2010[11] and 16/8 of 24 March 2011,[12] and mindful of the need for the international community to strengthen its coordinated efforts aimed at achieving the implementation of those resolutions,

*Taking note* of the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea,[13] regretting that he still has not been allowed to visit the country and that he received no cooperation from the authorities of the Democratic People's Republic of Korea, and taking note also of the comprehensive report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea submitted in accordance with resolution 65/225,[14]

*Noting* the importance of the inter-Korean dialogue, which could contribute to the improvement of the human rights and humanitarian situation in the country,

*Noting with regret* that the reunion of separated families across the border, which is an urgent humanitarian concern of the entire Korean people, has been halted, and hoping that it will be resumed as early as possible and that necessary arrangements for further reunions on a larger scale and a regular basis will be made between the Democratic People's Republic of Korea and the Republic of Korea,

1. *Expresses its very serious concern* at:

(a) The persistence of continuing reports of systematic, widespread and grave violations of civil, political, economic, social and cultural rights in the Democratic People's Republic of Korea, including:

(i) Torture and other cruel, inhuman or degrading treatment or punishment, including inhuman conditions of detention, public executions, extrajudicial and arbitrary detention; the absence of due process and the rule of law, including fair trial guarantees and an independent judiciary; the imposition of the death penalty for political and religious reasons; collective punishments;

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[5] See *Official Records of the Economic and Social Council, 2003, Supplement No. 3* (E/2003/23), chap. II, sect. A.

[6] Ibid., *2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[7] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[8] See *Official Records of the General Assembly, Sixty-first Session, Supplement No. 53* (A/61/53), chap. II, sect. B.

[9] Ibid., *Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[10] Ibid., *Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[11] Ibid., *Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. II, sect. A.

[12] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[13] See A/66/322.

[14] A/66/343.

and the existence of a large number of prison camps and the extensive use of forced labour;

(ii) Limitations imposed on every person who wishes to move freely within the country and travel abroad, including the punishment of those who leave or try to leave the country without permission, or their families, as well as punishment of persons who are returned;

(iii) The situation of refugees and asylum-seekers expelled or returned to the Democratic People's Republic of Korea and sanctions imposed on citizens of the Democratic People's Republic of Korea who have been repatriated from abroad, leading to punishments of internment, torture, cruel, inhuman or degrading treatment or the death penalty, and in this regard strongly urges all States to respect the fundamental principle of non-refoulement, to treat those who seek refuge humanely and to ensure unhindered access to the United Nations High Commissioner for Refugees and his Office, with a view to protecting the human rights of those who seek refuge, and once again urges States parties to comply with their obligations under the 1951 Convention relating to the Status of Refugees[15] and the 1967 Protocol thereto[16] in relation to refugees from the Democratic People's Republic of Korea who are covered by those instruments;

(iv) All-pervasive and severe restrictions on the freedoms of thought, conscience, religion, opinion and expression, peaceful assembly and association, the right to privacy and equal access to information, by such means as the persecution of individuals exercising their freedom of opinion and expression, and their families, and the right of everyone to take part in the conduct of public affairs, directly or through freely chosen representatives, of his or her country;

(v) The violations of economic, social and cultural rights, which have led to severe malnutrition, widespread health problems and other hardship for the population in the Democratic People's Republic of Korea, in particular for persons belonging to particularly exposed groups, inter alia, women, children and the elderly;

(vi) Continuing violations of the human rights and fundamental freedoms of women, in particular the trafficking of women for the purpose of prostitution or forced marriage and the subjection of women to human smuggling, forced abortions, gender-based discrimination, including in the economic sphere, and gender-based violence and continuing impunity for such violence;

(vii) Continuing reports of violations of the human rights and fundamental freedoms of children, in particular the continued lack of access to basic economic, social and cultural rights for many children, and in this regard notes the particularly vulnerable situation faced by, inter alia, returned or repatriated children, street children, children with disabilities, children whose parents are detained, children living in detention or in institutions and children in conflict with the law;

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[15] United Nations, *Treaty Series*, vol. 189, No. 2545.

[16] Ibid., vol. 606, No. 8791.

(viii) Continuing reports of violations of the human rights and fundamental freedoms of persons with disabilities, especially on the use of collective camps and of coercive measures that target the rights of persons with disabilities to decide freely and responsibly on the number and spacing of their children;

(ix) Violations of workers' rights, including the right to freedom of association and collective bargaining, the right to strike as defined by the obligations of the Democratic People's Republic of Korea under the International Covenant on Economic, Social and Cultural Rights,[1] and the prohibition of the economic exploitation of children and of any harmful or hazardous work of children as defined by the obligations of the Democratic People's Republic of Korea under the Convention on the Rights of the Child;[2]

(b) The continued refusal of the Government of the Democratic People's Republic of Korea to recognize the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea or to extend cooperation to him, despite the renewal of the mandate by the Human Rights Council in its resolutions 7/15,[9] 10/16,[10] 13/14[11] and 16/8;[12]

(c) The continued refusal of the Government of the Democratic People's Republic of Korea to articulate which recommendations enjoyed its support following its universal periodic review by the Human Rights Council or to express its commitment to their implementation, and regrets the lack of actions taken to date to implement the recommendations contained in the final outcome;[4]

2. *Reiterates its very serious concern* at unresolved questions of international concern relating to abductions in the form of enforced disappearance, which violates the human rights of nationals of other sovereign countries, and in this regard strongly calls upon the Government of the Democratic People's Republic of Korea urgently to resolve these questions, including through existing channels, in a transparent manner, including by ensuring the immediate return of abductees;

3. *Expresses its very deep concern* at the precarious humanitarian situation, including a serious deterioration in the availability of and access to food, in the country, partly as a result of frequent natural disasters, compounded by structural weaknesses in agricultural production resulting in significant shortages of food, and the increasing State restrictions on the cultivation and trade in foodstuffs, as well as the prevalence of chronic and acute malnutrition, particularly among the most vulnerable groups, pregnant women, infants and the elderly, which, despite some progress, continues to affect the physical and mental development of a significant proportion of children, and urges the Government of the Democratic People's Republic of Korea, in this regard, to take preventive and remedial action, cooperating where necessary with international donor agencies and in accordance with international standards for monitoring humanitarian assistance;

4. *Commends* the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea for the activities undertaken so far and for his continued efforts in the conduct of his mandate despite the limited access to information;

5. *Strongly urges* the Government of the Democratic People's Republic of Korea to respect fully all human rights and fundamental freedoms and, in this regard:

(a) To immediately put an end to the systematic, widespread and grave violations of human rights mentioned above, inter alia, by implementing fully the measures set out in the above-mentioned resolutions of the General Assembly, the Commission on Human Rights and the Human Rights Council, and the recommendations addressed to the Democratic People's Republic of Korea by the Human Rights Council in the context of the universal periodic review and the United Nations special procedures and treaty bodies;

(b) To protect its inhabitants, address the issue of impunity and ensure that those responsible for violations of human rights are brought to justice before an independent judiciary;

(c) To tackle the root causes leading to refugee outflows and prosecute those who exploit refugees by human smuggling, trafficking and extortion, while not criminalizing the victims, and to ensure that citizens of the Democratic People's Republic of Korea expelled or returned to the Democratic People's Republic of Korea are able to return in safety and dignity, are humanely treated and are not subjected to any kind of punishment;

(d) To extend its full cooperation to the Special Rapporteur, including by granting him full, free and unimpeded access to the Democratic People's Republic of Korea, and to other United Nations human rights mechanisms so that a full needs assessment of the human rights situation may be made;

(e) To engage in technical cooperation activities in the field of human rights with the United Nations High Commissioner for Human Rights and her Office, as pursued by the High Commissioner in recent years, with a view to improving the situation of human rights in the country, and strive to implement the recommendations made in the universal periodic review by the Human Rights Council;

(f) To engage in cooperation with the International Labour Organization with a view to significantly improving workers' rights;

(g) To continue and reinforce its cooperation with United Nations humanitarian agencies;

(h) To ensure full, safe and unhindered access to humanitarian aid and take measures to allow humanitarian agencies to secure its impartial delivery to all parts of the country on the basis of need in accordance with humanitarian principles, as it pledged to do, and to ensure access to adequate food and implement more effective food security policies, including through sustainable agriculture, sound food production distribution measures and by allocating more funds to the food sector, and to ensure adequate monitoring of humanitarian assistance;

(i) To improve cooperation with the United Nations country team and development agencies so that they can directly contribute to improving the living conditions of the civilian population, including accelerating progress towards the achievement of the Millennium Development Goals, in accordance with international monitoring and evaluation procedures;

(j) To consider ratifying and acceding to remaining international human rights treaties, which would enable a dialogue with the human rights treaty bodies;

6. *Decides* to continue its examination of the situation of human rights in the Democratic People's Republic of Korea at its sixty-seventh session, and to this end requests the Secretary-General to submit a comprehensive report on the situation in the Democratic People's Republic of Korea and requests the Special Rapporteur to continue to report his findings and recommendations.

## Draft resolution II
## Situation of human rights in Myanmar

*The General Assembly*,

*Guided* by the Charter of the United Nations and the Universal Declaration of Human Rights,[1] and recalling the International Covenants on Human Rights[2] and other relevant human rights instruments,

*Reaffirming* that all Member States have an obligation to promote and protect human rights and fundamental freedoms and the duty to fulfil the obligations they have undertaken under the various international instruments in this field,

*Reaffirming also* its previous resolutions on the situation of human rights in Myanmar, the most recent of which is resolution 65/241 of 24 December 2010, those of the Commission on Human Rights, and those of the Human Rights Council, the most recent of which are resolutions 13/25 of 26 March 2010[3] and 16/24 of 25 March 2011,[4]

*Welcoming* the statements made by the President of the Security Council on 11 October 2007 and 2 May 2008,[5] and the Security Council statements to the press of 22 May and 13 August 2009,[6]

*Welcoming also* the report of the Secretary-General on the situation of human rights in Myanmar[7] and the observations contained therein, and recalling his visit to the country on 3 and 4 July 2009 and the visits of his Special Adviser on Myanmar from 31 January to 3 February and on 26 and 27 June 2009, from 26 to 28 November 2010 and from 11 to 13 May and from 31 October to 4 November 2011, while urging the Government of Myanmar to continue to make progress in its cooperation with the good offices mission, including by facilitating further visits,

*Welcoming further* the visit of the Special Rapporteur to Myanmar from 21 to 25 August 2011 and the access granted to political and other actors, including prisoners, and welcoming the reports of the Special Rapporteur on the situation of human rights in Myanmar,[8] and urging the implementation of the recommendations contained therein and in previous reports,

*Deeply concerned* that many of the urgent calls contained in the above-mentioned resolutions, as well as the statements of other United Nations bodies concerning the situation of human rights in Myanmar, have not yet been acted upon,

*Reaffirming* the essential importance of a genuine process of dialogue and national reconciliation for a transition to democracy,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53* and corrigendum (A/65/53 and Corr.1), chap. I, sect. A.

[4] Ibid., *Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

[5] S/PRST/2007/37 and S/PRST/2008/13; see *Resolutions and Decisions of the Security Council, 1 August 2007-31 July 2008*.

[6] SC/9662 and SC/9731.

[7] A/66/267.

[8] See A/66/365 and A/HRC/16/59.

*Acknowledging* the publicly stated commitment of the President of Myanmar to implement reform, promote national reconciliation, safeguard human rights and fundamental freedoms and promote good governance, democracy and the rule of law, and acknowledging also the President's stated commitment to addressing social, economic and environmental issues,

*Welcoming* the recent talks between the Government of Myanmar and Daw Aung San Suu Kyi, while urging the Government to take further steps to advance an effective and genuine dialogue with the broad spectrum of political parties, including the National League for Democracy, pro-democracy actors, ethnic minorities and other relevant stakeholders in a genuine process of dialogue, national reconciliation and transition to democracy,

*Considering* that democratic, transparent and inclusive elections must be the cornerstone of any democratic reform process, and deeply regretting that the 2010 general elections represent a missed opportunity in that regard, noting in particular the restrictions imposed by the electoral laws, limited access to the media, reported incidents of official intimidation, the cancellation of elections in certain ethnic areas and the lack of independence of the electoral commission, and expressing concern at the failure of the electoral commission to follow up on complaints about the electoral process, including about voting procedures,

*Encouraging* the continued cooperation of the Government of Myanmar with the international community in order to achieve concrete progress with regard to human rights and fundamental freedoms and political processes, and noting the Government's stated intention to do so,

1. *Expresses grave concern* about the ongoing systematic violations of human rights and fundamental freedoms of the people of Myanmar, while recognizing the commitment made by the Government of Myanmar to implement reforms to address those violations;

2. *Welcomes* the recent talks between the Government of Myanmar and Daw Aung San Suu Kyi and opposition parties, and encourages the Government to develop the current talks into a substantive and regular dialogue while comprehensively engaging with the democratic opposition, including the National League for Democracy, and political, ethnic and civil society groups and actors in order to begin an all-inclusive and democratic reform process leading to national reconciliation and lasting peace in Myanmar;

3. *Calls upon* the Government of Myanmar to continue to ensure that no restrictions are placed on the exercise by Daw Aung San Suu Kyi of all her human rights and fundamental freedoms, in particular with regard to the freedom of movement and the right to participate fully in the political process, including through engagement with relevant stakeholders, and to take adequate measures to protect her physical safety;

4. *Welcomes* the release on 12 October 2011 of more than 200 prisoners of conscience, and strongly urges the Government of Myanmar to release without further delay and without conditions all prisoners of conscience, including the Chairman of the Shan Nationalities League for Democracy, U Hkun Htun Oo, the leader of the 88 Generation Students Group, U Min Ko Naing, one of the founders of the 88 Generation Students Group, Ko Ko Gyi, human rights defender U Myint Aye, and the leader of the All Burma Monks' Alliance, U Gambira, and to allow

their full participation in the political process, emphasizing that their unrestricted release is fundamental to national reconciliation, and strongly calls upon the Government to reveal the whereabouts of persons who are detained or have been subjected to enforced disappearance and to desist from further politically motivated arrests;

5. *Notes* the establishment of new national, regional and state legislatures in Myanmar and some steps taken to engage legislatures on issues relevant to the promotion and protection of human rights, and encourages further efforts in that regard;

6. *Calls upon* the Government of Myanmar to lift all restrictions imposed on the representatives of political parties as well as on other political and civil society actors in the country, including by amending the relevant laws, and to ensure that the upcoming by-elections are held in a participatory, inclusive and transparent manner, while recognizing the announcement of changes in the electoral law that would allow for wider participation, and urging that they be put into effect;

7. *Notes* the stated intention and first initiatives of the Government of Myanmar to carry out media reform and open up space for the press, and strongly calls upon the Government of Myanmar to lift restrictions on the freedom of assembly, association and movement and the freedom of expression, including for free and independent media, to improve the availability and accessibility of Internet and mobile telephone services, and to end the use of censorship, including the use of the Electronic Transactions Law to prevent the reporting of views critical of the Government;

8. *Acknowledges with appreciation* the formation of the Myanmar National Human Rights Commission, encourages the Government of Myanmar to ensure that it is established and mandated in such a way as to be an independent, credible and effective institution, in accordance with the Paris Principles relating to the Status of National Institutions,[9] and, further, encourages the Commission to receive complaints and to investigate violations, and recommends that the Government seek technical assistance from the Office of the United Nations High Commissioner for Human Rights in the development of that new institution, noting some initial contacts in this regard;

9. *Expresses grave concern* at the continuing practice of arbitrary detention, enforced disappearance, rape and other forms of sexual violence, torture and cruel, inhuman or degrading treatment or punishment, and urges the Government of Myanmar to undertake without further delay a full, transparent, effective, impartial and independent investigation into all reports of human rights violations and to bring to justice those responsible in order to end impunity for violations of human rights, and, regretting that previous calls to that effect have not been heeded, calls upon the Government to do so as a matter of priority and, if necessary, drawing on the assistance of the United Nations;

10. *Takes note* of the recent steps taken by the Government of Myanmar to review some national legislation, and calls upon the Government to undertake a transparent, inclusive and comprehensive review of compliance of the Constitution and all national legislation with international human rights law, fully engaging with

[9] Resolution 48/134, annex.

democratic opposition, civil society groups, ethnic groups and other stakeholders, while recalling once more that the procedures established for the drafting of the Constitution resulted in a de facto exclusion of opposition groups from the process;

11. *Urges* the Government of Myanmar to ensure the independence and impartiality of the judiciary and the independence of lawyers, to guarantee due process of law, and to fulfil earlier assurances made to the Special Rapporteur on the situation of human rights in Myanmar to begin a dialogue on judicial reform;

12. *Expresses concern* about the conditions in prisons and other detention facilities and consistent reports of ill-treatment of prisoners of conscience, including torture, and about the moving of prisoners of conscience to isolated prisons far from their families where they cannot receive regular visits, or food and medicine, and calls upon the Government of Myanmar to ensure that proper investigations are conducted of all deaths in prison;

13. *Expresses deep concern* about the resumption of armed conflict and the breakdown of long-standing ceasefires in areas including Kachin and Shan States, as a result of continued pressures imposed by the national authorities on certain ethnic groups and the exclusion of some key ethnic political parties from the political process and from decisions affecting their lives, while noting some steps taken to establish ceasefires in other areas, and calls upon the Government of Myanmar to protect the civilian population in all parts of the country and for all concerned to use political means to re-establish ceasefire agreements, and also calls upon the Government to expand the offer of peace talks with armed groups on a nationwide basis;

14. *Strongly calls upon* the Government of Myanmar to take urgent measures to put an end to continuing grave violations of international human rights and humanitarian law, including the targeting of persons based on their belonging to particular ethnic groups, the targeting of civilians as such in military operations, and rape and other forms of sexual violence, and to end impunity for such acts;

15. *Also strongly calls upon* the Government of Myanmar to end the practice of systematic forced displacement of large numbers of persons within their country and other causes of refugee flows into neighbouring countries;

16. *Expresses its concern* about the continuing discrimination, human rights violations, violence, displacement and economic deprivation affecting numerous ethnic minorities, including, but not limited to, the Rohingya ethnic minority in Northern Rakhine State, and calls upon the Government of Myanmar to take immediate action to bring about an improvement in their respective situations, and to grant citizenship to the Rohingya ethnic minority;

17. *Urges* the Government of Myanmar to intensify its cooperation with the Office of the United Nations High Commissioner for Human Rights and other partners to conduct adequate human rights and international humanitarian law training for its armed forces, police and prison personnel, to ensure their strict compliance with international human rights law and international humanitarian law and to hold them accountable for any violations thereof;

18. *Calls upon* the Government of Myanmar to consider ratifying and acceding to remaining international human rights treaties, which would enable a

dialogue with the other human rights treaty bodies, while noting some initial steps taken by the Government in this regard;

19. *Also calls upon* the Government of Myanmar to allow human rights defenders to pursue their activities unhindered and to ensure their safety, security and freedom of movement in that pursuit;

20. *Strongly calls upon* the Government of Myanmar to put an immediate end to the continuing recruitment and use of child soldiers by the armed forces and other armed groups, in violation of international law by all parties, to intensify measures to ensure the protection of children from armed conflict, to pursue its collaboration with the Special Representative of the Secretary-General for Children and Armed Conflict, to swiftly conclude and implement an effective joint action plan for the national armed forces, to facilitate access for dialogue on action plans with other parties listed in the annual report of the Secretary-General on children and armed conflict, and to allow unrestricted access to all areas where children are recruited for those purposes;

21. *Notes with appreciation* the prolongation of the supplementary understanding between the International Labour Organization and the Government of Myanmar on forced labour, and the reported progress on changes in law and practice to eliminate the use of forced labour, particularly in relation to awareness-raising, but expresses grave concern at the continuing practice of forced labour, including the reported use of civilian porters, including convict porters, and calls upon the Government to intensify its cooperation with the International Labour Organization on the basis of the understanding, with a view to extending action against forced labour as widely as possible throughout the country and to fully implementing with urgency the recommendations of the Commission of Inquiry of the International Labour Organization;

22. *Welcomes* the approval of the Labour Organizations Bill, and the prior constructive consultation on it with the International Labour Organization, and encourages its full implementation;

23. *Also welcomes* the positive steps taken by the Government of Myanmar to facilitate and improve humanitarian response and calls upon the Government of Myanmar to take further measures to allow humanitarian assistance to reach all persons in need throughout the country by ensuring timely, safe, full and unhindered access to all parts of Myanmar, including conflict and border areas, for the United Nations, international humanitarian organizations and their partners, taking into account the need to process swiftly requests for visa and in-country travel permission;

24. *Further welcomes* the invitation extended to the International Committee of the Red Cross to provide some technical assistance in prisons, and encourages the Government of Myanmar to allow it to carry out other activities in accordance with its mandate, in particular by granting access to persons detained and to areas of internal armed conflict;

25. *Encourages* the Government of Myanmar to continue to cooperate with international health entities on HIV/AIDS, malaria and tuberculosis;

26. *Reaffirms its full support* for the good offices of the Secretary-General pursued through his Special Adviser on Myanmar, consistent with the report of the

Secretary-General on the situation of human rights in Myanmar,[7] and urges the Government of Myanmar to cooperate fully with the good offices mission, including by facilitating the visits of the Special Adviser to the country and granting him unrestricted access to all relevant stakeholders, including the highest level of leadership, political parties, human rights defenders, representatives of ethnic groups, student leaders and other opposition groups, and to respond substantively and without delay to the proposals of the Secretary-General, including the establishment of a United Nations office in support of the mandate of the good offices;

27. *Welcomes* the role played by countries neighbouring Myanmar and members of the Association of Southeast Asian Nations in support of the good offices mission of the Secretary-General;

28. *Also welcomes* the continued contribution of the Group of Friends of the Secretary-General on Myanmar in support of the work of the good offices mission;

29. *Further welcomes* the visit of the Special Rapporteur to Myanmar from 21 to 25 August 2011 and the access granted to him, and urges the Government of Myanmar to implement the recommendations addressed to the Government in his report[10] and to cooperate fully with the Special Rapporteur in the exercise of his mandate, including by facilitating further visits;

30. *Calls upon* the Government of Myanmar to engage in a dialogue with the Office of the High Commissioner with a view to ensuring full respect for all human rights and fundamental freedoms;

31. *Acknowledges* the participation by the Government of Myanmar in the universal periodic review in January 2011 as the State under review, and strongly encourages the Government to implement the recommendations accepted, including the recommendations to consider acceding to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights[2] and other core human rights treaties, while also urging the Government to reconsider the many important recommendations which were rejected and to seek technical cooperation from the Office of the High Commissioner in this regard;

32. *Requests* the Secretary-General:

(a) To continue to provide his good offices and to pursue his discussions on the situation of human rights, the transition to democracy and the national reconciliation process with the Government and the people of Myanmar, involving all relevant stakeholders, including democracy and human rights groups, and to offer technical assistance to the Government in this regard;

(b) To give all necessary assistance to enable the Special Adviser and the Special Rapporteur to discharge their mandates fully, effectively and in a coordinated manner;

(c) To report to the General Assembly at its sixty-seventh session, as well as to the Human Rights Council, on the progress made in the implementation of the present resolution;

[10] A/66/365.

33. *Decides* to continue the consideration of the question at its sixty-seventh session, on the basis of the reports of the Secretary-General and the Special Rapporteur.

## Draft resolution III
## Situation of human rights in the Islamic Republic of Iran

*The General Assembly*,

*Guided* by the Charter of the United Nations, as well as the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other international human rights instruments,

*Recalling* its previous resolutions on the situation of human rights in the Islamic Republic of Iran, the most recent of which is resolution 65/226 of 21 December 2010,

1. *Takes note* of the report of the Secretary-General submitted pursuant to resolution 65/226,[3] which highlights further negative developments in the human rights situation in the Islamic Republic of Iran, and the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran,[4] submitted pursuant to Human Rights Council resolution 16/9, which notes concern over reports of targeted violence and discrimination against minority groups and alarm at a documented dramatic increase in executions, including secret group executions carried out inside prisons;

2. *Expresses deep concern* at serious ongoing and recurring human rights violations in the Islamic Republic of Iran relating to, inter alia:

(a) Torture and cruel, inhuman or degrading treatment or punishment, including flogging and amputations;

(b) The continuing high incidence of and dramatic increase in the carrying out of the death penalty in the absence of internationally recognized safeguards, including public executions, notwithstanding a circular from the former head of the judiciary prohibiting public executions, and secret group executions, as well as reports of executions undertaken without the notification of the prisoner's family members or legal counsel;

(c) The continuing imposition and carrying out of the death penalty against minors and persons who at the time of their offence were under the age of 18, in violation of the obligations of the Islamic Republic of Iran under the Convention on the Rights of the Child[5] and the International Covenant on Civil and Political Rights;[2]

(d) The imposition of the death penalty for crimes that lack a precise and explicit definition, including *moharabeh* (enmity against God), or for crimes that do not qualify as the most serious crimes, in violation of international law;

(e) The practice of suspension strangulation as a method of execution, and the fact that persons in prison continue to face sentences of execution by stoning, notwithstanding a circular from the former head of the judiciary prohibiting stoning;

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[1] Resolution 217 A (III).
[2] See resolution 2200 A (XXI), annex.
[3] A/66/361.
[4] See A/66/374.
[5] United Nations, *Treaty Series*, vol. 1577, No. 27531.

(f) The continuing and systematic targeting of human rights defenders, including, inter alia, lawyers, journalists and other media representatives, Internet providers and bloggers, who endure intimidation, interrogation, arrest and arbitrary detention as a result of their activities, noting in particular the continued harassment and detention of staff members of the Defenders of Human Rights Centre;

(g) Pervasive gender inequality and violence against women, including sexual violence, a continued crackdown on women's human rights defenders, arrests, violent repression and sentencing of women exercising their right to peaceful assembly and increased discrimination against women and girls in law and in practice;

(h) Continuing discrimination and other human rights violations, at times amounting to persecution, against persons belonging to ethnic, linguistic or other minorities, including, inter alia, Arabs, Azeris, Baluchis and Kurds and their defenders, noting in particular reports of the violent suppression and detention of ethnic Arabs and Azeris, the violent repression of environmental protests in Azeri territory and the high rate of executions of persons belonging to minority groups;

(i) Increased persecution and human rights violations against persons belonging to recognized religious minorities, including, inter alia, Christians, Jews, Sufis, Sunni Muslims and Zoroastrians and their defenders, noting in particular the widespread arrest and detention of Sufis and evangelical Christians and reports of harsh sentences against Christian pastors;

(j) Increased persecution and human rights violations against persons belonging to unrecognized religious minorities, particularly members of the Bahá'í faith, including escalating attacks on Bahá'ís and their defenders, including in State-sponsored media, a significant increase in the number of Bahá'ís arrested and detained, including the targeted attack on the Bahá'í educational institution, the reinstatement of twenty-year sentences against seven Bahá'í leaders following deeply flawed legal proceedings, and renewed measures to deny Bahá'ís employment in the public and private sectors;

(k) The continuing and sustained house arrest of leading opposition figures from the 2009 presidential elections;

(l) Ongoing, systemic and serious restrictions of freedom of peaceful assembly and association and freedom of opinion and expression, including those imposed on the media, political opponents, human rights defenders, lawyers, journalists, Internet providers, Internet users, bloggers, clerics, artists, filmmakers, academics, students, labour leaders and trade unions, from all sectors of Iranian society;

(m) The continuing use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of freedom of expression and freedom of peaceful assembly and association;

(n) Severe limitations and restrictions on the right to freedom of thought, conscience, religion or belief, including arbitrary arrest, indefinite detention and lengthy jail sentences, for those exercising this right, and the arbitrary demolition of places of worship and burial;

(o) Persistent failure to uphold due process of law, and violations of the rights of detainees, including defendants held without charge or held

incommunicado, the systematic and arbitrary use of prolonged solitary confinement, the lack of access of detainees to legal representation of their choice, the refusal to consider granting bail to detainees, and the poor conditions of prisons, including the serious overcrowding and poor level of sanitation, as well as persistent reports of detainees being subjected to torture, including rape and other forms of sexual violence, harsh interrogation techniques and the use of pressure exerted upon their relatives and dependants, including through arrest, to obtain false confessions that are then used at trials;

(p) Continuing arbitrary or unlawful interference by State authorities with the privacy of individuals, in particular in relation to private homes, and with their correspondence, including voicemail and e-mail communications, in violation of international law;

3. *Expresses particular concern* at the failure of the Government of the Islamic Republic of Iran to conduct any comprehensive investigation or to launch an accountability process for alleged violations in the period following the presidential elections of 12 June 2009, and reiterates its call upon the Government to launch a process of credible, independent and impartial investigations into reports of human rights violations and to end impunity for such violations;

4. *Calls upon* the Government of the Islamic Republic of Iran to immediately and unconditionally release all those who have been arbitrarily arrested and detained for simply exercising their right to peaceful assembly and participating in peaceful protests about political, economic, environmental or other issues, including the conduct and results of the 2009 presidential elections;

5. *Strongly urges* the Government of the Islamic Republic of Iran to ensure free, fair, transparent and inclusive parliamentary elections in 2012 that reflect the will of the people and are consistent with the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights and all other relevant human rights instruments to which the State is a party, and calls on the Government to allow independent observation, including by civil society and candidates, of the electoral process and to allow independent local and international journalists to freely observe and report on the elections as well as subsequent political developments;

6. *Calls upon* the Government of the Islamic Republic of Iran to address the substantive concerns highlighted in the report of the Secretary-General and the specific calls to action found in previous resolutions of the General Assembly, and to respect fully its human rights obligations, in law and in practice, in particular:

(a) To eliminate, in law and in practice, amputations, flogging and other forms of torture and other cruel, inhuman or degrading treatment or punishment;

(b) To abolish, in law and in practice, public executions and other executions carried out in the absence of respect for internationally recognized safeguards;

(c) To abolish, pursuant to its obligations under article 37 of the Convention on the Rights of the Child and article 6 of the International Covenant on Civil and Political Rights, executions of minors and persons who at the time of their offence were under the age of 18;

(d) To abolish the use of stoning and suspension strangulation as methods of execution;

(e) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against women and girls;

(f) To eliminate, in law and in practice, all forms of discrimination and other human rights violations against persons belonging to religious, ethnic, linguistic or other minorities, recognized or otherwise, to refrain from monitoring individuals on the basis of their religious beliefs, and to ensure that the access of minorities to education and employment is on a par with that of all Iranians;

(g) To eliminate discrimination against, and exclusion of, women and members of certain groups, including members of the Bahá'í faith, regarding access to higher education, and to eliminate the criminalization of efforts to provide higher education to Bahá'í youth denied access to Iranian universities;

(h) To implement, inter alia, the 1996 report of the Special Rapporteur on religious intolerance,[6] in which he recommended ways in which the Islamic Republic of Iran could emancipate the Bahá'í community, and to accord the seven Bahá'í leaders held since 2008 the due process of law and rights that they are constitutionally guaranteed, including the right to adequate legal representation without intimidation and the right to timely, fair and open legal proceedings;

(i) To end the harassment, intimidation and persecution of political opponents, human rights defenders, labour leaders, students, academics, journalists, other media representatives, bloggers, clerics, artists and lawyers, including by releasing persons imprisoned arbitrarily or on the basis of their political views;

(j) To end restrictions placed on Internet users and Internet providers that violate the rights to freedom of expression, association and privacy;

(k) To end restrictions on the press and media representatives, including the selective jamming of satellite broadcasts;

(l) To end the use of State security forces and Government-directed militias to forcibly disperse Iranian citizens engaged in the peaceful exercise of their rights to freedom of expression, peaceful assembly and association;

(m) To uphold, in law and in practice, procedural guarantees to ensure due process of law;

7. *Also calls upon* the Government of the Islamic Republic of Iran to strengthen its national human rights institutions in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights ("the Paris Principles");[7]

8. *Further calls upon* the Government of the Islamic Republic of Iran to consider ratifying or acceding to the international human rights treaties to which it is not already a party, to effectively implement those human rights treaties to which it is already a party, to withdraw any reservations it may have made upon signature or ratification of other international human rights instruments where such reservations are overly general, imprecise or could be considered incompatible with the object and purpose of the treaty, and to consider acting upon the concluding

[6] See E/CN.4/1996/95/Add.2.

[7] Resolution 48/134, annex.

observations concerning the Islamic Republic of Iran adopted by the bodies of the international human rights treaties to which it is a party;

9. *Welcomes* the appointment of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran;

10. *Calls upon* the Government of the Islamic Republic of Iran to positively avail itself of the opportunity to cooperate fully with the Special Rapporteur and other international human rights mechanisms, including by allowing the Special Rapporteur unfettered access to the country to carry out his mandate;

11. *Encourages* the Government of the Islamic Republic of Iran to continue exploring cooperation on human rights and justice reform with the United Nations, including the Office of the United Nations High Commissioner for Human Rights;

12. *Expresses deep concern* that, despite the Islamic Republic of Iran's standing invitation to all thematic special procedures mandate holders, it has not fulfilled any requests from those special mechanisms to visit the country in six years and has left unanswered the vast majority of the numerous and repeated communications from those special mechanisms, and strongly urges the Government of the Islamic Republic of Iran to fully cooperate with the special mechanisms, including facilitating their visits to its territory, so that credible and independent investigations of all allegations of human rights violations can be conducted;

13. *Strongly encourages* the Government of the Islamic Republic of Iran to seriously consider all of the recommendations put forward at its universal periodic review by the Human Rights Council,[8] with the full and genuine participation of civil society and other stakeholders;

14. *Strongly encourages* the thematic special procedures mandate holders to pay particular attention to, with a view to investigating and reporting on, the situation of human rights in the Islamic Republic of Iran, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on violence against women, its causes and consequences, the Independent Expert on minority issues, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances and the Working Group on Discrimination against Women in Law and in Practice;

15. *Requests* the Secretary-General to report to the General Assembly at its sixty-seventh session on the progress made in the implementation of the present resolution, including options and recommendations to improve its implementation, and to submit an interim report to the Human Rights Council at its nineteenth session;

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[8] See A/HRC/14/12.

16. *Decides* to continue its examination of the situation of human rights in the Islamic Republic of Iran at its sixty-seventh session under the item entitled "Promotion and protection of human rights".

## Draft resolution IV
## Situation of human rights in the Syrian Arab Republic

*The General Assembly*,

*Guided* by the Charter of the United Nations,

*Reaffirming* the purposes and principles of the Charter, the Universal Declaration of Human Rights[1] and relevant international human rights treaties, including the International Covenants on Human Rights,[2]

*Recalling* Human Rights Council resolution S-16/1 of 29 April 2011,[3] and recalling also Human Rights Council resolution S-17/1 of 23 August 2011,[3] which established an independent international commission of inquiry to investigate all alleged violations of international human rights law since March 2011 in the Syrian Arab Republic, and regretting the lack of cooperation of the Syrian authorities with the commission of inquiry,

*Welcoming* all efforts made by the League of Arab States to address all aspects of the situation in the Syrian Arab Republic, and the steps undertaken by the League of Arab States to ensure the implementation of its Plan of Action, including those aimed at ending all human rights violations and all acts of violence,

*Expressing concern* about the continuing lack of commitment by the Syrian authorities to fully and immediately implement the Plan of Action of the League of Arab States of 2 November 2011,

*Welcoming* the decisions of the League of Arab States of 12 and 16 November 2011 on the developments in respect of the situation in the Syrian Arab Republic,

*Expressing deep concern* about the ongoing human rights violations and use of violence by the Syrian authorities against their population,

*Reaffirming* that all States Members of the United Nations should refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or act in any other manner inconsistent with the purposes of the United Nations,

1. *Strongly condemns* the continued grave and systematic human rights violations by the Syrian authorities, such as arbitrary executions, excessive use of force and the persecution and killing of protesters and human rights defenders, arbitrary detention, enforced disappearances, torture and ill-treatment of detainees, including children;

2. *Calls upon* the Syrian authorities to immediately put an end to all human rights violations, to protect their population and to fully comply with their obligations under international human rights law, and calls for an immediate end to all violence in the Syrian Arab Republic;

3. *Also calls upon* the Syrian authorities to implement the Plan of Action of the League of Arab States in its entirety without further delay;

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. I.

4. *Invites* the Secretary-General, in accordance with his functions, to provide support, if requested, to the League of Arab States observer mission in the Syrian Arab Republic, consistent with the League's decisions of 12 and 16 November 2011;

5. *Calls upon* the Syrian authorities to comply with Human Rights Council resolutions S-16/1[1] and S-17/1,[3] including by cooperating fully and effectively with the independent international commission of inquiry.